

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COLONEL JAMES MCGINN)	
Plaintiff,)	
)	
V.)	
)	Civil Action No. 1:19-cv-11551-DLC
EXECUTIVE OFFICE OF ENERGY AND)	
ENVIRONMENTAL AFFAIRS,)	
MASSACHUSETTS ENVIRONMENTAL)	
POLICE, and SECRETARY MATTHEW A.)	
BEATON in his Official and Individual Capacity,)	
Defendants)	

JOINT STATEMENT

Plaintiff, James McGinn, (hereinafter “Plaintiff”) and Defendants Executive Office of Energy and Environmental Affairs (“EEA”), the Massachusetts Environmental Police (“MEP”), and former EEA Secretary Matthew Beaton sued in his official and individual capacity (“Secretary”), submit the following statement as required by this Court’s Notice of October 16, 2019 and Local Rule 16.1(d). Counsel for all parties have conferred and have agreed to structure the proposed scheduling order based upon the date of issuance of the decision on the Defendants’ pending Motions to Dismiss. In the event the Court prefers a date specific scheduling order, the parties will supplement accordingly. The parties propose the following plan for the conduct of the litigation:

1. **Joint Discovery Plan**

The parties will make automatic disclosures, pursuant to Fed. R. Civ. P. 26(a)(1) and this Court’s Notice of Scheduling Conference, by X + 30 days.

Except for good cause shown, motions seeking leave to add new parties or to amend the pleadings to assert new claims or defenses will be filed by X + 120 days.

All requests for production of documents and interrogatories must be served by X + 60 days.

All requests for admission must be served by X + 90 days.

All depositions, other than expert depositions, must be completed by X + 150 days.

All discovery, other than expert discovery, must be completed by X + 180 days.

Plaintiff's trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed by X + 210 days.

Defendants' trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed by X + 255 days.

The parties will complete all expert depositions by X + 270 days.

2. Proposed Schedule for the Filing of Motions

The parties propose to have Rule 56 motions filed by X + 300 days, and to have the standard time for the filing of Oppositions. Any party may file a motion for summary judgment prior to this date.

If any claims survive summary judgment, the Court will schedule a final pretrial conference following its issuance of decisions on the motions for summary judgment.

3. Certifications

The parties' Certifications in accordance with Local Rule 16.1(D)(3) will be filed through the Court's CM/ECF system.

4. Trial by Magistrate Judge

The parties do not consent to trial of this matter by a magistrate judge.

Plaintiff, James McGinn,
by his attorney:

/s/ Timothy M. Burke

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EXECUTIVE OFFICE OF ENERGY AND
ENVIRONMENTAL AFFAIRS,
MASSACHUSETTS ENVIRONMENTAL
POLICE, AND SECRETARY MATTHEW
A. BEATON IN HIS OFFICIAL CAPACITY,

SECRETARY MATTHEW A. BEATON IN
HIS INDIVIDUAL CAPACITY,

By their attorney,

By his attorney,

/s/ David S. Mackey

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of November, 2019, I filed a copy of the foregoing by electronic means with the United States District Court for the District of Massachusetts using the CM/ECF system, which will send notice to the registered participants as identified on the Notice of Electronic Filing.

/s/ Timothy M. Burke

Timothy M. Burke